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Summary record of the 3250th meeting
Held at the Palais Wilson, Geneva, on Thursday, 17 March 2016, at 3 p.m.

Chair: Mr. Salvioli

Contents

Consideration of reports submitted by States parties under article 40 of the Covenant (*continued*)

Fourth periodic report of Rwanda

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The meeting was called to order at 3 p.m.

Consideration of reports submitted by States parties under article 40 of the Covenant (*continued*)

Fourth periodic report of Rwanda (CCPR/C/RWA/4; CCPR/C/RWA/Q/4 and Add.1)

1. *At the invitation of the Chair, the delegation of Rwanda took places at the Committee table.*

2. **Mr. Busingye** (Rwanda), introducing his country's fourth periodic report (CCPR/C/RWA/4), said that substantial changes had been made in the domestic legal system, including a full revision of the Penal Code, while a number of new human rights institutions had been created and existing ones overhauled. For example, a law passed in 2013 reaffirmed the independence of the National Commission for Human Rights and required it to report on its activities only to the Parliament. The Office of the Ombudsman had been strengthened by means of a law passed in 2013 which gave it the authority to investigate human rights violations and complaints of injustice and corruption in public and private entities. According to records from 2013-2014, the Office had received almost 4,500 complaints; it had directly resolved over 80 per cent of those complaints and had referred the remainder to other institutions for further action. The government institutions which were objects of complaints were required to act on the recommendations made by the Office of the Ombudsman.

3. The National Commission for Children had been established in 2011 as an independent organ under the Ministry of Gender and Family Promotion with a mandate to coordinate, implement and monitor the child protection system in Rwanda. The National Council of Persons with Disabilities had also been set up in 2011 and tasked with coordinating activities aimed at the advancement of persons with disabilities, gathering their views and advocating on issues affecting them, helping them to build their capacity for independent action and collaborating with NGOs working in the disability sector. Also established in 2011, the Rwanda Governance Board was responsible for promoting the principles of good governance and decentralization, conducting research and policy analysis in that area, supporting media sector development and enhancing citizen participation. It was also a one-stop centre for the registration of all national NGOs and faith-based organizations under a greatly simplified procedure. Two parliamentary committees — the Committee on Unity, Human Rights and the Fight against Genocide and the Committee on Social Affairs, Human Rights and Petitions — examined the annual reports of the National Commission for Human Rights of Rwanda, made recommendations to the Government, carried out field visits and received complaints directly from the public.

4. With regard to gender equality, under the Constitution at least 30 per cent of decision-making positions in public institutions must be occupied by women. The proportion of women in the Government currently stood at 38 per cent, while in the judiciary it was 50 per cent and in Parliament 64 per cent. Rwanda had the highest percentage of female Members of Parliament in the world; women also led a third of the country's ministries, including those in charge of foreign affairs, agriculture and health.

5. The Government took a zero-tolerance stance on gender-based violence and had adopted a comprehensive policy on the subject in 2011, under which both prevention and accountability mechanisms had been strengthened. Trials of cases dealing with gender-based violence were being held in the communities in which the crime had allegedly been committed so that local people could see the perpetrators of such violence being held to account. The Rwanda National Police, the military and the National Public Prosecution Authority had all established gender-based violence desks and monitoring units, and the Access to Justice Bureaus each had one staff member assigned to gender-based violence

cases. There were currently 23 Isange One-Stop Centres providing holistic care to victims of gender-based violence, but the plan was to have at least one in each of the country's 30 districts by the end of 2016.

6. The Government had devoted a great deal of effort to making improvements in the area of health and ensuring that maternal and child health was a priority in all development programmes. General health services had also been upgraded across the board. There were now six referral hospitals in different regions, one provincial hospital in each province, one or more district hospitals in each district and at least one health centre in 96 per cent of the country's 416 administrative sectors. As a result, the average time needed for a person to reach a health centre had fallen from 95 minutes in 2005 to 60 minutes in 2015. Life expectancy had increased from 49 years in 1994 to 64 years.

7. The definition of torture in article 177 of the Penal Code mirrored that of the Convention against Torture and, in fact, went further in that it included acts committed by non-State actors such as private security operatives. Penalties for torture ranged from 6 months to 7 years but could be increased to life imprisonment in cases in which there were aggravating circumstances. There were weekly inspections of police detention facilities. The National Public Prosecution Authority, the International Committee of the Red Cross and various local and international NGOs also regularly visited prisons. The National Commission for Human Rights conducted unannounced visits to prisons and police custody facilities at least twice a year and made recommendations to the corresponding authorities.

8. The decentralization of the Ministry of Justice through the establishment of Access to Justice Bureaus in all 30 districts, with three full-time officers each, had yielded tangible results. The focus on reconciliation and arbitration while avoiding an over-reliance on the formal justice system had been proven to work, as evidenced by the remarkable success of the *gacaca* courts following the genocide. Building on that, democratically elected mediation committees made up of well-regarded members of society, known as *abunzi*, had been set up at each level of local government to resolve disputes in the community. Significant resources had also been invested in enhancing the quality and ensuring the impartiality of the judiciary. All 83 courts in the formal court system of Rwanda were now fully computerized, and cases could be filed and followed online. The High Council of the Judiciary enjoyed administrative and financial autonomy, and its decisions on the appointment, promotion and disciplining of judiciary personnel were final.

9. There had been major changes in civil society in recent years, and there were now more than 1,600 registered civil society organizations in Rwanda. The registration applications of international NGOs were processed by a special department in the National Immigration Service, and there were now 164 such organizations operating in Rwanda. The registration process was completely accessible online.

10. **Mr. Ben Achour** said that Rwanda was well placed to have a genuine understanding of the meaning of human rights. He welcomed the fact that, under article 49 of the amended Constitution, every Rwandan had the right to defy superior orders if they constituted a serious and obvious violation of human rights and freedoms. While noting the State party's replies to paragraph 1 of the list of issues (CCPR/C/RWA/Q/4/Add.1), he would welcome further details on the five judicial cases in which the Covenant had been invoked, including the names of the courts that had heard the cases and the content and date of the judgements. He would also be grateful for information on the training provided to the judiciary and law enforcement officials; for example, he would like to know what was covered, who gave the training, what methodology was used and how often the courses were run. He would also be interested to know more about the national consultations that were under way regarding the possible ratification of the first Optional Protocol to the Covenant.

11. Although, according to the State party's report, the Rwandan Government had adopted a monist approach and therefore, when a convention was ratified, it automatically became law and could be applied directly, there appeared to have been a complete change of perspective in 2015, as article 95 of the Constitution now provided that the hierarchy of laws was the Constitution, organic law and then international treaties and agreements ratified by Rwanda, which created a problem in relation to the applicability of conventions at the national level. He wished to know what the background was to that surprising provision and whether the Government considered it to be compatible with the Covenant and its other international obligations. He invited the delegation to comment on concerns raised by civil society in relation to the atmosphere in which the constitutional referendum had been conducted, including allegations of restrictions on freedom of expression. He wondered why Rwanda had withdrawn its declaration recognizing the competence of the African Court on Human and Peoples' Rights to hear individual complaints against the State and whether that was not considered a step backwards.

12. He would welcome information on the measures taken to implement Act No. 19/2013 and to ensure the independence of the National Commission for Human Rights. He was also interested in learning more about the human and financial resources allocated to the Commission. While the Subcommittee on Accreditation of the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC) had granted an "A" status to the Commission, it had also recommended that the process for appointing its members should be transparent and should guarantee its independence. The process provided for in Act No. 19/2013 appeared to undermine that independence. He invited the delegation to comment on NGO reports claiming that the Commission had actively sought to hinder and discredit the work of international human rights organizations and had pressured civil society organizations to withdraw a report that they had submitted to the Human Rights Council in the context of the universal periodic review.

13. The State party had not replied to the question in the list of issues about whether there had been any investigations or prosecutions in connection with allegations of war crimes and crimes against humanity reportedly committed in Rwanda since 1994 by the Rwandan Patriotic Army or any investigations in respect of allegations of gross human rights violations reportedly committed by Rwandan armed forces in the Democratic Republic of the Congo. While he was aware that the State party contested many of the reports containing such allegations, the Committee had asked the questions on the basis of a United Nations report on the mapping exercise documenting serious human rights violations in the Democratic Republic of the Congo. That report attributed a number of actions to the Rwandan armed forces that violated the Convention. Rather than remaining silent on the issue, it would be in the State party's best interests to provide the information required in order to conduct an impartial investigation into those allegations.

14. **Ms. Pazartzis**, noting that amendments to the Family Code had been under discussion for some time but had still not been adopted, said that she would like to have further information about the current status of the amended Code and to know when it was to be adopted. The draft Code contained important provisions that would constitute a step forward towards equality between men and women. She wished to know whether the amended Code would also allow mothers to have an equal say in decisions concerning their children. She would appreciate it if the delegation would comment on the large number of unregistered marriages in the country and describe any measures being taken to remedy that situation. She would also welcome further comments on the difficulties facing women in rural areas due to persistent stereotypes and beliefs about women's land and property rights.

15. She welcomed the strong representation of women in the civil service and would like to have statistics on women's representation in decision-making positions in provincial

governments and in the private sector. She wished to know about any measures taken to reduce the gender pay gap and horizontal segregation in employment, especially in the informal sector. Updated statistics on gender parity in secondary and higher education would also be appreciated.

16. Were any measures being taken to eradicate discrimination, harassment and other forms of abuse against lesbian, gay, bisexual, transsexual and intersex (LGBTI) persons? Such persons seemed to be subject to differentiated treatment; for example, the age of consent for heterosexual relations was different from that for homosexual relations. Lastly, she would like to know whether the State party envisaged adopting comprehensive anti-discrimination legislation.

17. **Mr. Vardzelashvili**, while commending the State party's numerous initiatives for combating gender-based violence, asked why the penalties established for spousal rape were lower than those for other forms of rape. Noting that free medical assistance was provided to victims of sexual violence, he said that he wondered whether the same services were also provided to victims of domestic or gender-based violence in general. Statistics on the number of complaints of gender-based violence that had resulted in investigations, prosecutions and convictions would be welcome. It would be useful to have those statistics disaggregated by region so as to determine the extent to which the Isange One-Stop Centres had been effective in responding to incidents of gender-based violence. Noting that one of the centres had been visited by more than 4,500 victims of violence but that only 2,300 of those cases had been investigated and prosecuted, he wished to know the fate of the other victims and the follow-up given to their cases. It would also be helpful to have figures on cases involving child abuse and the sexual exploitation of children, which he understood were serious problems in Rwanda.

18. Although the legal grounds for abortion set out in the Penal Code had been expanded in 2012 to cover cases involving, inter alia, rape, forced marriage or incest, the Committee was concerned that, in practice, access to abortion was hindered by cumbersome and ineffective procedures. The problem was exacerbated by the fact that many women were unaware of the procedures to be followed. In cases where a pregnant woman's health or life was deemed to be at risk, doctors were required to seek a second opinion. Given the small number of obstetricians and gynaecologists practising in the country, however, it was unclear to him how that system worked in practice. He would like to see statistics on the number of legal abortions carried out since the amendment had come into force and the number of cases in which authorization had been denied. Had any studies been conducted to determine how many women had died as a result of illegal abortions?

19. The Committee had received numerous reports concerning the arbitrary arrest and detention of children and adults charged with vagrancy in places such as the Kigali Rehabilitation Transit Centre, where the conditions of detention were allegedly extremely harsh. According to international human rights organizations, people had been detained in the Gikondo Transit Centre without charge for periods ranging from a few days to several months and there was no provision for judicial oversight. The recent decision to discontinue the practice of holding children in the Centre was a welcome development, but it was regrettable that adults, particularly vagrants, would continue to be held there.

20. **Mr. Politi** said that the State party's replies to the Committee's questions concerning unlawful and incommunicado detention and enforced disappearance had been unduly generic. According to the Code of Criminal Procedure, suspects could be detained for a maximum of 72 hours before being referred to a prosecutor and for a maximum of 7 days before being brought before a judge. Article 45 of Law No. 45/2008 on counter-terrorism permitted security agents to hold persons suspected of terrorism for 48 hours before transferring them to a police station. He wondered how such provisions could be reconciled with the prohibition of incommunicado detention. The Committee had been

informed of numerous cases in which individuals had been unlawfully held by military or police officers in unofficial detention centres. Some of them had allegedly been kept in incommunicado detention for several weeks or months, notably at Kamp Kami, a military camp outside Kigali, and at the police detention centre of Chez Gacinya in Kigali. It had also been informed that the singer and genocide survivor Kizito Nihigo had been arrested in 2014 and sentenced to 10 years in prison for conspiring against the Government and the President. Joel Mutabazi, a former presidential bodyguard, had apparently been tried by a military court in January 2014 and sentenced to life imprisonment for terrorism. The Committee had also received reports that the Rwanda Defence Force continued to hold people unlawfully in detention centres that were not part of the Rwanda Correctional Service and that those people were denied access to a lawyer and guarantees of due process. He failed to see how such conduct could be reconciled with the claim in the State party's replies to the list of issues that all detention facilities were legally provided for and documented.

21. The Committee had been informed of at least 30 cases of enforced disappearance in 2014. The persons concerned had been arrested by State agents and taken to unknown destinations. Some had not been transferred to recognized places of detention until shortly before they appeared in court, normally on charges of conspiracy. Government and judicial authorities had allegedly failed to account for the individuals' whereabouts during the period prior to the time that they were formally taken into police custody. The State party had not commented on the individual cases raised in paragraph 8 of the list of issues (CCPR/C/RWA/Q/4). He invited the delegation to comment on reports of the disappearance of Augustin Cyiza, a former President of the Court of Cassation; Léonard Hitimana, a Member of Parliament; and Jean Damascène Munyeshyaka, a leading member of the Democratic Green Party of Rwanda. He would also appreciate its comments on the alleged failure to properly investigate the killings of André Kagwa Rwisereka and Denis Ntare Semadwinga. The Committee wished to hear the State party's views on reports of assassinations and attempted assassinations of political dissidents abroad, such as the killing of Patrick Karegeya, former chief of the Rwandan external intelligence service, in South Africa in 2014. The Committee would also be interested in hearing the delegation's comments on the attempted assassination in South Africa in August 2014 of Kayumba Nyamwasa, an exiled Rwanda National Congress dissident and former Chief of Staff of the Rwanda Defence Force, and on the killing in Kampala in November 2011 of Charles Ingabire, an exiled Rwandan journalist who had been highly critical of the Government. Had allegations that the foregoing acts had been committed with the acquiescence of State officials been investigated and, if so, had the persons responsible been brought to justice?

22. The Committee had received reports of the use of torture and ill-treatment, including beatings, electric shocks and techniques such as sensory deprivation and limitation of breathing, in a number of detention facilities. Detainees had allegedly been held without charge in degrading conditions in the Gikondo Transit Centre between 2011 and 2015 and had frequently been beaten by police. Street children had reportedly accounted for a significant proportion of the detainees in the Centre until late 2014. Information would be welcome on any investigations of such ill-treatment, disciplinary action, criminal proceedings leading to convictions and penalties, and compensation to victims. Lawyers were apparently unwilling to raise allegations of torture or ill-treatment by law enforcement officers in court because of judges' reluctance to address such issues.

23. **Mr. Iwasawa** said that the State party had failed to answer the Committee's question in paragraph 11 of the list of issues (CCPR/C/RWA/Q/4) concerning reports by the Group of Experts on the Democratic Republic of the Congo that the *Mouvement du 23 mars* (M23) armed group had received support from Rwandan territory. The Committee was concerned that persons who had allegedly provided support to M23, including through the forcible or fraudulent recruitment of children and men, had still not been prosecuted.

What steps had been taken to investigate the matter and bring any responsible parties to justice? He also wished to know whether the State party had responded to the recommendation of the Group of Experts that it should extradite Congolese M23 members for whom international arrest warrants had been issued.

24. The Committee had taken note of the State party's efforts to provide physical and psychological rehabilitation services, family support, education and vocational training for children who had been repatriated from the Democratic Republic of the Congo. However, the State party had reportedly failed to provide support to former M23 combatants, including children, and had even prevented them from re-entering Rwandan territory. He wished to know whether rehabilitation and reintegration programmes were extended to children and adults who had been fraudulently or forcibly recruited by M23.

25. The non-refoulement clause in the 2013 Extradition Law prohibited extradition to countries where a person might be tortured. Did that law also prohibit extradition if a person's right to life might be violated? He would like to know more about the procedures used in assessing the risk of violations of articles 6 or 7 of the Covenant when a foreigner was subject to a deportation order. Could the foreigner challenge the order and the authorities' denial of a risk of such violations? He wished to know how long, on average, foreigners subject to a deportation or extradition order were held in detention and what the conditions in the detention facilities were like. In particular, he wished to know whether persons arrested for immigration offences were held together with convicted prisoners.

26. **Sir Nigel Rodley** said that he found it regrettable that the State party's replies to the list of issues had consisted almost exclusively of general statements regarding legal institutions rather than responses to the specific issues raised. The State party had failed to respond, for instance, to the request made by the Committee in paragraph 7 of the list of issues (CCPR/C/RWA/Q/4) for information on the legislative status of the reproductive health bill. He gathered that, if the bill were to be enacted in its present form, it would seriously undermine women's rights and limit abortion to cases where a three-person medical team strongly believed that a pregnancy or the resulting childbirth might endanger the mother's life. He wished to know whether that severe restriction on the right to abortion stemmed from a government proposal and, if not, whether the Government was seeking to address the serious obstacles to judicial approval of terminations of pregnancy.

The meeting was suspended at 4.45 p.m. and resumed at 5.15 p.m.

27. **Mr. Busingye** (Rwanda) said that the number of legal proceedings in which the Covenant had been invoked, generally in support of the right to a fair trial, was steadily growing, and the Rwandan authorities were currently discussing the possibility of ratifying the Optional Protocol to the Covenant concerning individual communications. Since 2011, the National Commission for Human Rights had provided training regarding the provisions of the Covenant to 2,108 religious leaders, 1,768 young people, 2,108 representatives of cooperatives, 385 representatives of persons with disabilities, 339 representatives of people living with HIV/AIDS, 52 journalists, 865 members of human rights clubs in schools, 92 representatives of foreign teachers' associations, 390 primary school teachers, 806 secondary school students, 1,802 local government leaders, 45 members of the Rwandan Bar Association, 40 judges, 557 representatives of the National Women's Council, 54 leaders of the Rwanda National Police and 2,178 representatives of private security organizations.

28. With regard to the earlier question about how international treaties ranked in the domestic legal order, he could confirm that the monist approach had been maintained under the Constitution as amended in 2015. The only real change had been that new provisions that would formerly have taken the form of constitutional amendments were now being incorporated into organic laws instead.

29. According to election monitors, there had been no curtailment of Rwandan citizens' freedom of expression through the media or by any other means in connection with the 2015 referendum. The anti-referendum petition filed by the Democratic Green Party with the Supreme Court had been dismissed. Petitions supporting the referendum had been collected from 3.7 million Rwandans several months prior to the vote. Since 2001, the country had held about 12 rounds of local, district, provincial and national parliamentary elections. The lowest recorded voter turnout in the past 12 years had been 91 per cent.

30. The Government had decided to withdraw its declaration under article 34 (6) of the Protocol to the African Charter on Human and Peoples' Rights, which had allowed individuals and NGOs to submit complaints against it directly to the African Court on Human and Peoples' Rights, following the misuse of that provision by persons found guilty of involvement in the 1994 genocide. It firmly rejected the findings of the United Nations report on a mapping exercise to document the most serious violations of human rights and international humanitarian law committed within the territory of the Democratic Republic of the Congo between March 1993 and June 2003, in which the Rwandan armed forces had been accused of involvement.

31. **Mr. Ngarambe** (Rwanda) said that the election and referendum had been transparent and fair. Public consultations had been held to ensure that members of the general public were fully aware of the voting procedures and the issues at stake, and representatives of the press and the international community had been in attendance throughout the process.

32. **Ms. Mulerwa** (Rwanda) said that the National Commission for Human Rights had been awarded "A" status by the ICC Subcommittee on Accreditation, and the selection process for its members had been conducted in an open and transparent manner. Law No. 19/2013 had strengthened the Commission's powers by giving the body autonomous control over its budget and staff and by enabling it to approach donors directly for additional contributions, where required. The Commission reported annually on its activities to Parliament, and its members had immunity from criminal prosecution.

33. **Mr. Busingye** (Rwanda) said that the Government remained committed to ensuring the independence of the National Commission for Human Rights and had included a complex set of provisions in Law No. 19/2013 to ensure its autonomy. It strongly rejected allegations that the Commission had actively sought to hinder or discredit the work of international human rights organizations or had pressured civil society organizations to withdraw shadow reports they had submitted to the Human Rights Council in the context of the most recent universal periodic review. The Commission had, in fact, welcomed NGO submissions, and many civil society organizations had freely voiced their opinions. As to claims that the Commission had questioned the content of some NGO reports, it should be noted that the Commission had a duty to ascertain and ensure the veracity of information that was supplied regarding the human rights situation in the country, and it was appropriate for it to have addressed any factual inconsistencies that it might have found.

34. **Mr. Rugema** (Rwanda) said that the Family Code had been amended to remove discriminatory provisions in areas such as parental responsibility and authority. The Government had encouraged couples to register their marriages and had conducted awareness-raising campaigns so that women, particularly those living in rural areas, were fully aware of their property and inheritance rights and knew how to avail themselves of those rights. Efforts had also been made to increase the number of women in senior decision-making positions at the provincial level, although further progress needed to be made in that regard. The Government had implemented several measures aimed at achieving gender parity and narrowing the gender wage gap. Detailed statistics would be provided on that matter at a later date. In regard to the rights of lesbian, gay, bisexual,

transgender and intersex persons, the Constitution expressly prohibited all forms of discrimination and offered protection to all citizens.

35. **Mr. Busingye** (Rwanda) said that the Government remained committed to eradicating all forms of discrimination. It was currently reviewing the articles of the Criminal Code which prohibited spousal and other forms of rape with a view to harmonizing and strengthening them and had made health-care treatment available free-of-charge to victims of gender-based violence. Detailed statistics on the number of investigations undertaken in cases involving violence against women and on the number of associated prosecutions and convictions would be provided at a later date. Measures had also been adopted to combat and prevent all forms of child abuse, including sexual exploitation of children and child labour. In regard to access to abortion, the Government intended to assess the impact of the 2012 amendment to the Criminal Code which had expanded the permissible grounds for abortion and would subsequently decide whether to carry out further reforms. The number of women resorting to illegal abortions was not known.

36. The Government remained committed to providing support for persons living on the streets and had made numerous training programmes available so that homeless persons could learn new skills and reintegrate themselves into their local communities. It also closely monitored the Gikondo Transit Centre and the Iwawa Rehabilitation and Vocational Development Centre to ensure that children and young persons received appropriate support and assistance and were not subject to abuse. In respect to the question regarding the maximum duration of pretrial detention, the Government would require further information about the examples cited by the Committee before it could comment in more detail. However, it should be noted that the process of referring cases to the public prosecutor and subsequently to a judge for consideration took time and was not an automatic process in any country. Incommunicado detention was expressly prohibited, and officials found guilty of holding a person in that form of detention were subject to harsh punishment. The disappearances of political figures such as Augustin Cyiza, Léonard Hitimana and Jean-Damascène Munyeshyaka had been investigated by the police, and information on the progress of the investigations was readily available. Every effort had been made to find the missing individuals, and their cases would not be closed until they had been conclusively resolved.

The meeting rose at 6 p.m.